



PATENT
Docket No. 265.00400101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Braun et al.) Group Art Unit: 1631
)
Serial No.: 10/817,530) Examiner: Lori Clow
Confirmation No.: 4868)
Filed: April 2, 2004)
For: PHYSICAL-CHEMICAL PROPERTY BASED SEQUENCE MOTIFS AND
METHODS REGARDING SAME

DECLARATION UNDER 37 C.F.R. §1.132

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

We, Werner Braun, Ph.d., Venkatarajan S. Mathura, Ph.d., and Catherine H. Schein, Ph.d., declare and say as follows:

1. I, Werner Braun, Ph.D., at the time of the invention, and currently, am a Professor in the Department of Biochemistry & Molecular Biology at the University of Texas Medical Branch, in Galveston, Texas, as well as a Senior Scientist at the Center for Structural Biology and Molecular BioPhysics.

2. I, Catherine H. Schein, Ph.D., at the time of the invention, and currently, am an Associate Professor in the Department of Biochemistry & Molecular Biology at the University of Texas Medical Branch, in Galveston, Texas, as well as a Senior Scientist at the Center for Structural Biology and Molecular BioPhysics.

3. I, Venkatarajan Mathura, Ph.D., at the time of the invention, was a Graduate Student and a Postdoctoral Research Fellow in the Department of Biochemistry & Molecular

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Biology at the University of Texas Medical Branch, in Galveston, Texas. Currently, I am a Research Scientist at the Roskamp Institute, in Sarasota, Florida.

4. We, Werner Braun, Ph.D., Catherine H. Schein, Ph.D., and Venkatarajan Mathura, Ph.D., are the coauthors with Numan Oezguen of the accompanying Exhibit A (Mathura et al., Structural Biology Symposium, May 2002, Poster Abstract; entitled "Defining Physical-Chemical Properties Based Motifs Specific for Members of the APE Family of DNA Repair Proteins"). The symposium was held May 17-19, 2002.

5. We have read and are familiar with the Office Action mailed 7 February 2007 with respect to the above-identified U.S. Patent Application No. 10/817,530 filed 2 April 2004. The Office Action cites the document in Exhibit A in a rejection of pending claims under 35 U.S.C. §103(a) indicating that the pending claims are obvious in view of Exhibit A in combination with one or more other references.

6. The pending U.S. Patent Application No. 10/817,530 claims priority to U.S. Provisional Application No. 60/460,769 filed 4 April 2003. The U.S. Provisional Application No. 60/460,769 included the information contained in Exhibit A, for example, on page 82 thereof. As previously noted, the subject matter of Exhibit A (the Poster Abstract) was provided at the Structural Biology Symposium held May 17-19, 2002. This date is less than one year prior to the filing of U.S. Provisional Application No. 60/460,769.

7. Numan Oezguen, at the time of the present invention, was a Postdoctoral Fellow at the University of Texas Medical Branch, Galveston, Texas in the Department of Human Biological Chemistry and Genetics. Numan Oezguen only used the program which implements the present invention to search one or more sequence databases. Numan Oezguen did not contribute to any of the pending claims in the present application.

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8. We, Werner Braun, Ph.D., Catherine H. Schein, Ph.D., and Venkatarajan Mathura, Ph.D., are the joint inventors of the claimed subject matter of the above-identified U.S. Patent Application No. 10/817,530 that is commonly disclosed in Exhibit A. The other co-author, Numan Oezguen of the accompanying Exhibit A did not directly participate in the subject matter claimed as set forth above.

9. We further declare that statements made herein of our knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date

Werner Braun

Date

Catherine H. Schein

06/04/07
Date

M.S. Venkatarajan /
Venkatarajan Mathura



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8. We, Werner Braun, Ph.D., Catherine H. Schein, Ph.D., and Venkataraman Mathura, Ph.D., are the joint inventors of the claimed subject matter of the above-identified U.S. Patent Application No. 10/817,530 that is commonly disclosed in Exhibit A. The other co-author, Numan Oezguen of the accompanying Exhibit A did not directly participate in the subject matter claimed as set forth above.

9. We further declare that statements made herein of our knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

6/1/07
Date

W. Braun
Werner Braun

May 31, 2007
Date

Catherine H. Schein
Catherine H. Schein

Date

Venkataraman Mathura